

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

THOMAS BITNER and TOSHIA
PARKER,

Plaintiffs,

v.

WYNDHAM VACATION RESORTS, INC.,

Defendant.

ORDER

13-cv-451-wmc

In a prior opinion and order, the court granted plaintiffs' motion to certify a Rule 23 class, denied defendant's motion to decertify a FLSA collective action, and denied defendants' partial motion for summary judgment, allowing the case to proceed to a jury trial, scheduled for September 18, 2017. (Dkt. #264.) The court's amended preliminary pretrial conference order sets forth deadlines for the parties' various pretrial submissions. (Dkt. #18.) In light of the fact that this case is proceeding as a class action, the court will also require the parties to propose a reasonable trial plan, including the issues to be tried in each phase (e.g., whether issues as to causation and damages are best determined together). *See generally Espenscheid v. DirectSat USA, LLC*, 705 F.3d 770, 775 (7th Cir. 2013) (trial plan is reasonable request in class action suit); 2 William B. Rubenstein, *Newberg on Class Actions* § 4:79 (5th ed. 2012) (trial plan is method for addressing recurring concerns of manageability—individualization and choice of law complexities).

The parties are directed to meet and confer to develop a plan by August 1, 2017. If the parties are able to reach agreement, then the parties' joint submission is due on or before August 11, 2017. If the parties are unable to reach agreement, then plaintiffs'

proposed plan is due August 11, 2017, with defendant's response due August 18, 2017.

Entered this 29th day of June, 2017.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge